

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment

FROM: Jonathan Kirschenbaum, AICP, Development Review Specialist
Joel Lawson, Associate Director Development Review

DATE: May 2, 2022

SUBJECT: Supplemental Report for BZA Case 20680 (801 20th Street, NE) to enlarge an existing single household dwelling into a three-unit apartment house.

I. BACKGROUND

At its April 13, 2022 public hearing, the Board considered this BZA application for a special exception to permit the enlargement of an existing single household dwelling into a three-unit apartment house in the RF-4 zone. The Board requested that the Office of Planning (OP) discuss with the Zoning Administrator how the 10-foot rear wall extension limitation (“10-foot rule”) pursuant to Subtitle E § 205.4 and corresponding special exception to exceed 10 feet pursuant to Subtitle E § 205.5 is interpreted.

OP discussed the 10-foot rule interpretation with the Zoning Administrator who determined that:

1. A rear wall of a row or semi-detached building may not be constructed to extend farther than 10 feet beyond the farthest rear wall of any principal residential building on any adjacent property without special exception relief.
2. The farthest rear wall and the 10-foot measurement is based on *story* (i.e. if the first story of the adjacent property extends farther than the second story, you would measure 10 feet beyond the farthest rear wall at the first story and then measure 10 feet beyond the farthest rear wall at the second story of the adjacent property).
3. When a property proposes a third-floor addition, and the adjacent property does not have a third story, you would measure 10 feet beyond the farthest rear wall at the second story of the adjacent property.
4. For purposes of determining a “rear wall” on the adjacent property, it must be fully enclosed with walls and windows and is set up that it *could be* conditioned space with heating and/or air conditioning. A screened porch or open space is not considered conditioned space.

Based on this interpretation, the analysis of the proposal under Subtitle E § 5201 in OP’s initial report remains the same. The analysis was based on the proposed total mass of the building, which includes all three proposed floors, and its impacts to light, air, privacy, and visual intrusion on abutting or adjacent properties. Therefore, OP continues to recommend approval.